

Regular Meeting

September 27, 2004
12:30 p.m.

The regular meeting of the Municipal Civil Service Commission convened on Monday, September 27, 2004, at 12:45 p.m. with Priscilla Tyson and Grady Pettigrew in attendance.

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RE: *Review and approval of the minutes from the August 30, 2004, regular meeting.*

This item was deferred to next month.

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RE: *Review and approval of the minutes from the September 9, 2004, special meeting.*

This item was deferred to next month.

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RE: *Review of the results of the pre-hearing conference for the following appeals:*
a) Calvin Barnett vs. Columbus Public Schools, Appeal No. 04-BA-0011. Custodian II – Discharge – hearing scheduled for November 29, 2004.
b) Patrick Torgerson vs. Columbus Public Schools, Appeal No. 04-BA-0004. Head Custodian I – Demotion – hearing scheduled for November 15, 2004.

PRESENT: Theresa Lynn Carter, Deputy Executive Director

Calvin Barnett – Custodian II, Columbus Public Schools (CPS), discharged for neglect of duty, job abandonment. The appellant intends to call four witnesses and CPS plans to call three witnesses. Both sides agree the entire trial board should take no longer than four hours.

Patrick Torgerson – Head Custodian I, Columbus Public Schools, probationary demotion. CPS intends to file a motion to dismiss this appeal on the basis that a probationary demotion cannot be appealed. The appellant's attorney will file a response, but is in agreement.

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RE: *Request of the Civil Service Commission staff to revise Rule VII(E)(3) regarding proof of eligibility for veteran's preference.*

PRESENT: Theresa Lynn Carter, Deputy Executive Director

The Civil Service Commission staff requested the adoption of revised language regarding proof of eligibility for veteran's preference. The proposed change will allow all applicants who submit their DD-214 during the required time period to be considered for veteran's preference points.

Current language requires applicants to request veteran's points on the application for a civil service examination. Applicants who do not check the correct box on their application, but then later submit their proof of service in the required time period, may not be awarded preference points under the current Civil Service Commission Rule and internal policy. Only those applicants who check the box for veteran's preference are matched up with DD-214s submitted to award points.

Internal policies and procedures will be revised to outline steps for staff members to follow to ensure that all documents received are matched up with all applicants for a particular exam, regardless of whether they checked the veteran's preference box on their application. As is the case when the background standards are revised, any applicants who have been adversely affected by the current rule, and, who notified Commission staff of their desire to receive veteran's preference points, and whose DD 214 is already on file with the Commission, will have their scores adjusted in accordance with the provisions of the revised rule.

A motion to approve the request was made, seconded and passed unanimously.

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RE: *Request of the Civil Service Commission staff to adopt NFPA 1582, Standards for Medical Evaluation of Firefighter Candidates, 2003 Edition.*

PRESENT: Theresa Lynn Carter, Deputy Executive Director

The National Fire Protection Association (NFPA) for pre-employment physicals of firefighter applications recently published a 2003 edition which the Commission staff and Fire Division received early this year.

Dr. Alton J. Ball, M.D., M.P.H., Clinical Director of OSU Occupational Health Centers is the City's designated Police/Fire Surgeon and has reviewed the new standards and the differences between the 2000 and 2003 editions. In addition to Dr. Ball's review, the other physicians and medical staff at OSU have reviewed the standards to ensure consistency of application. After these reviews it was recommended that the Commission adopt the NFPA 2003 standards for the medical screening of firefighter applicants with the exception of the vision standard. Gregory Good, O.D., the Commission's advisory authority for firefighter vision standards reviewed that portion of the 2003 NFPA standards and advised the changes are covered by our current vision standards.

A motion to approve the request was made, seconded and passed unanimously.

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RE: *Trial Board Recommendations.*

No trial board recommendations were submitted this month.

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RE: *Columbus Public Schools Classification Actions.*

No Columbus Public Schools classification actions were submitted this month.

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RE: *Request of the Civil Service Commission staff to approve the specification review for the classification Civil Service Commission Deputy Executive Director with no revisions (Class Code 0216).*

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented the Commission's request to approve the specification review for Civil Service Commission Deputy Executive Director with no revisions. In accordance with Civil Service Commission policy, any classification that has not been reviewed during the past five years shall be reviewed and revised if needed. This classification was last reviewed in August of 1999. There is currently one incumbent in this classification.

Based upon information from the incumbent of this class, no proposed revisions are requested at this time. It was therefore requested that the review of the classification be approved with no revisions.

A motion to approve the request was made, seconded, and passed unanimously.

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RE: *Request of the Civil Service Commission staff to approve the specification review for the classification Equal Employment Opportunity Manager with no revisions (Class Code 0347).*

This item was deferred.

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RE: *Residency Hearing Review:
 Danny J. Bell, Firefighter.*

PRESENT: Theresa Lynn Carter, Deputy Executive Director

Lynn Carter advised the Commissioners that this matter was originally brought to the Commission’s attention because Mr. Bell is off work on Worker’s Compensation and submitted related paperwork showing a Dayton, Ohio address. In an investigation conducted prior to the scheduled hearing, Montgomery County Auditor’s records show that Mr. Bell does own the home reported as his address in the Worker’s Compensation paperwork. The hearing notice was sent to Mr. Bell via certified mail to the Dayton, Ohio address and he personally signed for it. However, Mr. Bell did not appear for his residency hearing scheduled for September 16, 2004.

After reviewing the Hearing Officer’s Report and Recommendation with regard to Mr. Bell’s compliance with the City’s residency requirement, Mr. Bell’s failure to appear for the hearing and Mr. Bell’s failure to submit any documentation prior to the Commission’s meeting, the Commission had no choice but to find him in violation of the City’s residency requirement. Mr. Bell’s payroll will not be certified effective October 10, 2004.

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RE: *Personnel Actions.*

No personnel actions were submitted this month.

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RE: *Administrative/Jurisdictional Reviews.*

Review of the appeal of Darryl Gibson regarding the rejection of his application for the Sewer Maintenance Assistant Manager examination - Appeal No. 04-CA-0022.

Mr. Gibson’s appeal was based on his belief that his experience as a Wastewater Surveillance Technician II should be counted as part of the requirement of three years of supervising employees engaged in the maintenance, construction, inspection and/or operation of a wastewater/storm water collection or treatment system. As a Wastewater Surveillance Technician II his duties included collecting samples and flow measurements and constructing and maintaining sampling and flow measurement equipment and are not equivalent to the required experience.

Based upon the foregoing, the Commissioners decided to affirm the decision of the Executive Director in rejecting Mr. Gibson’s application for Sewer Maintenance Assistant Manager and to dismiss his appeal without a hearing.

BACKGROUND ADMINISTRATIVE REVIEWS

| Post Examination Removals | | |
|---------------------------|-----------------------------|--------------|
| <u>Name of Applicant</u> | <u>Position Applied For</u> | <u>BAR #</u> |
| 1. Erik Kientz | Firefighter | 04-BR-069 |
| 2. Jason D. Bailey | Firefighter | 04-BR-070 |
| 3. Darrell L. Hunter | Firefighter | 04-BR-071 |
| 4. Reginald A.C. Wells | Firefighter | 04-BR-072 |

After reviewing the files of Erik Kientz, Jason D. Bailey, Darrell L. Hunter and Reginald A. C. Wells, the Commissioners decided their names would not be reinstated to the firefighter eligible list.

| Police Officer Applicants Removed During the Prescreening Process | |
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| <u>Name of Applicant</u> | |
| Jason Dailey | |
| Tonja Blackburn | |
| William Cates, Sr. | |
| Earnest Coleman | |
| Reuben Dixon | |
| Eric Eiselstein | |
| Cordelle Feuston | |
| Ira Hufstuttler | |
| Alan Scott Hutchinson | |
| Jason Lanier | |
| Seth Martin | |
| Kevin McCarthy | |
| Ernest Meadows, Jr. | |
| Quoc Nguyen | |
| Edward Plair | |
| Franklin White, Jr. | |
| Brent Barkett | |
| Gloria Murphy | |

The Commissioners reviewed the files of eighteen police officer applicants for an administrative review of the decision of the Executive Director to reject their applications due to a violation of the background standards for police officers during the pre-screening process.

After reviewing the files of William Cates, Sr., Eric Eiselstein, Alan Scott Hutchinson, Ernest Meadows, Jr., Quoc Nguyen, Franklin White, Jr., and Gloria Murphy the Commissioners decided that their applications would be accepted and they would be permitted to take the police officer examination.

After reviewing the files of Jason Dailey, Tonja Blackburn, Earnest Coleman, Reuben Dixon, Cordelle Feuston, Ira Hufstuttler, Jason Lanier, Seth Martin, Kevin McCarthy, Edward Plair, and Brent Barkett the Commissioners decided that their applications would not be accepted and they would not be permitted to take the police officer examination.

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RE: *Hearing on the merits of the appeal of Barbara Horton-Alomar from the action of the Department of Public Safety, Division of Police, discharging her from the position of Police Sergeant – Appeal No. 03-CA-0016.*

This item has been deferred to a future date.

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Priscilla R. Tyson, Commission President

November 8, 2004
Date